IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Civil Revision No. 5993 of 2006

Date of Decision: 14.11.2006

Surjan Singh

...Petitioner.

Versus

Oriental Bank of Commerce, a branch office at New Officers Colony, Patiala through Shri HPS Bhatia, Manager, Smt. Mukta Puri Officer duly constituted attorney and Principal Officer and others

...Respondents.

CORAM:- HON'BLE MR. JUSTICE AJAY KUMAR MITTAL.

PRESENT: Ms. Maninder Kaur, Advocate for the petitioner.

AJAY KUMAR MITTAL, J.

In this revision petition filed under Article 227 of the Constitution of India, challenge is to order dated 3.10.2006 passed by the trial court vide which the cross-examination of Shri HPS Bhatia and Bharat Bhushan on behalf of the petitioner has been recorded as nil.

Learned counsel for the petitioner submitted that the counsel for the plaintiff could not appear before the trial court on 3.10.2006 on which date the case was fixed for further cross-examination of the witnesses as he was not well. Learned counsel further submitted that in the interest of justice, one opportunity may be granted to the petitioner to cross-examine Shri HPS Bhatia and Bharat Bhushan and the respondents can be compensated by way of costs. The counsel further submitted that the petitioner will cross-examine the aforesaid witnesses on the date to be fixed

by the trial court.

Ordinarily, I would have issued notice of motion to the respondents which would prolong the case and would entail unnecessary expenses to them. Therefore, the present petition is being disposed of without issuing notice of motion to the respondents.

After hearing learned counsel for the petitioner and in view of the fact that the petitioner had informed the court that the counsel was not well and in the interest of justice, this revision petition is disposed of with a direction that the petitioner shall be granted one opportunity to cross examine HPS Bhatia and Bharat Bhushan on a date to be fixed by the trial Court subject to payment of Rs.3,000/- as costs. It is, however, made clear that in case the petitioner fails to cross examine the aforesaid witnesses on the date to be fixed by the trial Court or to pay the costs, this revision petition shall be deemed to have been dismissed.

November 14, 2006 **(AJAY KUMAR MITTAL)**
gbs **JUDGE**